

Remarks:

Status of Claims

Claims 1, 7, and 8 have been amended; claims 9 and 17 have been canceled without prejudice or disclaimer; and new claims 19 and 20 have been added, such that claims 1-8, 10-16, and 18-20 are currently pending in the application.

Remarks

In the Office Action, the Examiner:

rejected claims 1-4, 6, 7, 9-14, and 17 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,896,268 (hereinafter referred to as "Beavers");

rejected claim 5 under 35 U.S.C. §103(a) as being unpatentable over Beavers; and

rejected claims 8, 15, 18 under 35 U.S.C. §103(a) as being unpatentable over Beavers in light of U.S. Patent No. 4,195,201 ("Gryl").

With regard to the Examiner's rejections of claims 1-4, 6, 7, 9-14, and 17 under 35 U.S.C. §102(b), the Applicant responds as follows. 35 U.S.C. §102(b) states, in relevant part, that a person shall be entitled to a patent unless the invention was patented or described in a printed publication more than one year prior to the date of the application for patent. The allegedly anticipating reference must teach every aspect of the claimed invention either explicitly or impliedly, and any feature not taught must be inherently present. MPEP 706.02. A rejection based on 35 U.S.C. §102(b) can be overcome by persuasively arguing that the claims are patentably distinguishable from the prior art. MPEP 706.02(b).

Beavers discloses a repeater case 10 for housing high-density subscriber line (HDSL) modules. The case 10 includes a molded repeater base 12 and a repeater case housing 14 having cover portions 16, 18, wherein the base 12 and housing 14 cooperate to provide a sealed enclosure which can contain a pressurized atmosphere. The pressurized atmosphere can be admitted through conventional valve arrangements in the base 12, such as a pressure relief valve 26 and an air bypass valve 24. A stub cable 22 provides a cable inlet 27 into the base 12 for telecommunications lines. The stub cable 22 divides into a plurality of individual connectors 23 that pass through an opening in a barrier 34 and are hardwired to the bottoms of a plurality of PC boards 36. A plurality of additional openings are provided in the barrier 34 in order to provide an air communication pathway from the interior of the base 12 into the housing 14, thereby enhancing air movement and

helping to keep the HDSL modules cool. At the tops of the PC boards 36 are mounted electrical connectors 38 suitable for receiving the HDSL modules 40.

The Applicant respectfully suggests that the Examiner may have misunderstood that which is disclosed by Beavers. For example, the "interface module (12)" referred to by the Examiner is, in fact, the base 12 of the case 10. Thus, that which the Examiner characterizes as an interface module (12) coupled to a pressurized housing portion (14,16,18), is, in fact, the base 12, housing 14, and cover portions 16,18 of the pressurized case 10. Similarly, the "strain relief yolk (26)" referred to by the Examiner is, in fact, the pressure relief valve 26.

Independent claim 1 has been amended to include the limitation set forth in claim 9 concerning the interface module being coupleable with the housing module in any of two or more possible orientations. This advantageous feature allows for easily and conveniently connecting the cable assembly from a most convenient and desirable orientation with minimum effort, and is not disclosed by Beavers. More specifically, the base in Beavers can only be coupled with the housing in one particular way, meaning that either the entire case must be oriented to accommodate the stub cable, which may not be possible due to space limitations, or the stub cable must be bent to accommodate the case, which may not be possible or desirable depending on the required angle. Thus, claim 1 and all claims depending therefrom should be in condition for allowance.

Claim 10 also includes the limitation of the interface module being separably coupleable with the housing in any of two or more possible orientations. Thus, claim 10 and all claims depending therefrom should also be in condition for allowance.

Claim 7 has been rewritten in independent form. The strain relief yoke functions to stabilize or clamp the cable assembly where it enters the interface module. The present invention also includes a pressure relief valve 102 which functions to control and regulate pressurization of the housing module. Thus, contrary to the Examiner's assertion, the pressure relief valve of Beavers cannot be the strain relief yoke of the present invention. Beavers does not, in fact, disclose a strain relief yoke. Thus, claim 7 should be in condition for allowance.

With regard to the Examiner's rejection of claim 5 under 35 U.S.C. §103(a) as being unpatentable over Beavers, claim 5 depends from claim 1 which has been amended, as discussed above. Thus, claim 5 should be in condition for allowance.

With regard to the Examiner's rejections of claims 8, 15, 18 under 35 U.S.C. §103(a) as being unpatentable over Beavers in light of Gryl, the Applicant responds as follows. 35 U.S.C. §103(a) states, in relevant part, that a patent may not be obtained though the invention is not identically disclosed or described if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole

would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains.

Claims 8, 15, and 18 are dependent claims that introduce the limitation of an interior portion of the interface module being filled with a sealing compound. This feature is described in the specification as follows:

Preferably, the interior of the interface module 16 is substantially filled or potted with a sealing compound 108 to prevent air pressure from escaping and to prevent moisture and dust from entering. Page 9, lines 1-3.

The Applicant first notes that Gryl is concerned with a coil module 30 comprised of an elongated housing 31 wherein are mounted a plurality of inductive coils 10. A potting compound 44 encapsulates the mounted coils 10 and a layer of epoxy 46 covers the compound 44. The Applicant respectfully asserts that Gryl is not analogous art with regard to either Beavers or the present invention. An inventor seeking to solve the problems addressed by the present invention would not look to Gryl for inspiration. The Examiner seeks to relate Gryl to Beavers and the present invention by asserting that Gryl discloses an "interface module", but, in reality, neither this term nor the component it describes nor the equivalent thereof appears anywhere in Gryl. Because Gryl is non-analogous art, it cannot properly be combined with Beavers or applied against the present invention, thereby invalidating the Examiner's 35 U.S.C. §103(a) rejection based on that combination.

Even if Gryl were analogous art, however, the Applicant respectfully asserts that the examiner has failed to establish the requisite *prima facie* case of obviousness. In rejecting the claims under 35 U.S.C. §103, the Examiner bears the initial burden of presenting a *prima facie* case, and if the Examiner fails to meet this burden the rejection is improper and will be overturned. Three criteria must be met in order to establish the requisite *prima facie* case: (1) there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine their teachings; (2) there must be a reasonable expectation of success; and (3) the prior art reference (or combination of references) must teach or suggest all the claim limitations. MPEP §706.02(j). Furthermore, "[t]he mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification." *In re Fritch*, 23 U.S.P.Q.2d 1780, 1783-84 (Fed. Cir. 1992); see also *In re Gordon*, 221 U.S.P.Q.2d 1125, 1127 (Fed. Cir. 1984). In meeting this initial burden, however, the Examiner "cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention" *In re Fine*, 5 U.S.P.Q. 2d

1596, 1600 (Fed. Cir. 1988). The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on the applicant's disclosure. *In re Vaeck*, 20 U.S.P.Q. 2d 1438, 1442 (Fed. Cir. 1991). Only if the Examiner's burden is met does the burden shift to the applicant to provide evidence to refute the rejection.

The Examiner acknowledges that the Beavers does not disclose an interior portion of an interface module being filled with a sealing compound, but asserts that Gryl does disclose this feature and that it therefore would have been obvious to one with ordinary skill in the art at the time the present invention was made to fill the interface module of Beavers with the sealing compound of Gryl for the purpose of protecting the interface inside the module. The Examiner's proposed modification of Beavers, however, runs contrary to the express teachings of Beavers. If, as the Examiner asserts, the interface module of the present invention is met by the base of Beavers, then the Examiner's proposed modification involves filling the base with the sealing compound. As mentioned, Beavers teaches "providing a plurality of additional openings in the Plexiglass acrylic plastic 34 in order to provide an air communication pathway from the interior of the base 12 into the housing 14". Beavers, col. 3, lines 12-15. These additional openings work in part to "provide for the possibility of atmospheric components to move upward over the modules 40 and keep them cool". Beavers, col. 3, lines 32-36. Referring to FIG. 2, the acrylic plastic barrier 34 separates the base 12 from the housing 14. Filling the base 12 with the sealing compound would eliminate any possibility of the movement of atmospheric components between the base and housing as touted by Beavers. The additional openings would no longer serve any purpose, and the advantageous cooling effect would be eliminated. Because the proposed modification runs contrary to the expressed teachings of Beavers, it cannot be said that the desirability of the modification is disclosed, that any reasonable motivation or suggestion for the modification exists, or that the modification would in any way be obvious to one with ordinary skill in the art. Thus, the Examiner has failed to establish the requisite *prima facie* case of obviousness, such that the rejections of claims 8, 15, and 18 cannot be sustained and claims 8, 15, and 18 should be in condition for allowance. Claim 8 has been rewritten in independent form.

As required, attached hereto is a section captioned VERSION WITH MARKINGS SHOWING CHANGES MADE, wherein is set forth a version of the amended claims with markings indicating all changes made by the present amendment.

New independent claims 19 and 20 have been added. Both include all of the aforementioned novel features, and both should therefore be in condition for allowance.

In the event of questions, the Examiner is urged to call the undersigned at

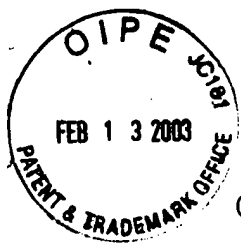
1-800-445-3460. Any additional fee which might be due in connection with this application should be applied against Deposit Account No. 19-0522.

Respectfully Submitted,

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(Docket No. 30646)



VERSION WITH MARKINGS SHOWING CHANGES MADE

Claims 1, 7, and 8 have been amended as follows.

1. (Amended) A modular enclosure for housing, mounting, and interfacing electronic equipment, the modular enclosure comprising:

a housing module for protectively housing the electronic equipment;

a mounting structure separably coupled with the housing and secureable to a mounting surface; and

an interface module separably coupled with the housing and including a first wire connector half operable to couple with a corresponding second wire connector half connected to the electronic equipment, wherein the interface module may be coupled with the housing in any one of two or more possible orientations.

7. (Amended) [The modular enclosure as set forth in claim 1] A modular enclosure for housing, mounting, and interfacing electronic equipment, the modular enclosure comprising:

a housing module for protectively housing the electronic equipment;

a mounting structure separably coupled with the housing and secureable to a mounting surface, [wherein] the mounting structure [includes] including a strain relief yolk operable to support [the] a cable assembly; and

an interface module separably coupled with the housing and including a first wire connector half operable to couple with a corresponding second wire connector half connected to the electronic equipment.

8. (Amended) [The modular enclosure as set forth in claim 1] A modular enclosure for housing, mounting, and interfacing electronic equipment, the modular enclosure comprising:

a housing module for protectively housing the electronic equipment;

a mounting structure separably coupled with the housing and secureable to a mounting surface; and

an interface module separably coupled with the housing and including a first wire connector half operable to couple with a corresponding second wire connector half connected to the electronic equipment, wherein an interior portion of the interface module is filled with a sealing compound.

Claims 9 and 17 have been canceled without prejudice or disclaimer.